

State Of Tennessee
In the Circuit Court of Hamilton County

KIMBERLY BLALOCK

Plaintiff

NEW YORK LIFE INSURANCE COMPANY

Defendants

No. 170350

FILED IN OFFICE
2017 MAR 16 AM 8:04
LARRY L. HENRY, CLERK
BY *JL* DC

SUMMONS

TO: NEW YORK LIFE INSURANCE COMPANY, c/o CT CORPORATION SYSTEM, 800 SOUTH GAY STREET, KNOXVILLE, TN 37929
Defendant Address

You are hereby summoned to answer and make defense to a bill of complaint which has been filed in the Circuit Court of Hamilton County, Tennessee in the above styled case. Your defense to this complaint must be filed in the office of the Circuit Court clerk of Hamilton County, Tennessee on or before thirty (30) days after service of this summons upon you. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

WITNESSED and Issued this 10 day of March, 2017.

Larry L. Henry, Circuit Court Clerk

By: 

Deputy Circuit Court Clerk

Attorneys for Plaintiff JAMES A. MEANEY, III

319 NORTH SELVIDGE STREET, DALTON, GA 30720-3108

Plaintiff's Address C/O JAMES A. MEANEY, III, 319 NORTH SELVIDGE STREET DALTON, GA 30720-3108

Received this _____ day of March, 2017.

/S/

Deputy Sheriff

COST BOND

I hereby acknowledge and bind myself for the prosecution of this action and payment of all costs in this court which may at any time be adjudged against the plaintiff in the event said plaintiff shall not pay the same.

Witness My Hand this _____ day of _____, 2017.

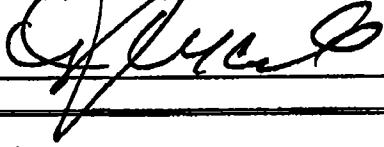
BY: _____

**State of Tennessee,
County of Hamilton**

I, Larry L. Henry, Clerk of the Circuit Court, In and for the State and County aforesaid, hereby certify that the within and foregoing is a true and correct copy of the original writ of summons issued in this case.



Larry L. Henry, Circuit Court Clerk

BY:  D.C.

Officer's Return

I certify that I served this summons together with the complaint as follows:

On _____, 2017, I delivered a copy of the summons and complaint to the defendant,

Failed to serve this summons within 30 days after its issuance because: _____

Jim Hammond, Sheriff

BY: _____
Deputy Sheriff

Clerk's Return

I hereby acknowledge and accept service of the within summons and receive copy of same, this _____ day of
2017.

Defendant

Larry L. Henry, Circuit Court Clerk

BY: _____ D.C.

Notice to Defendant(s)

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of this list. Certain items are automatically exempt by law and do not need to be listed; these included items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

**KIMBERLY BLALOCK,
Plaintiff,**

-Versus-

**NEW YORK LIFE INSURANCE CO.,
Defendant.**

DOCKET NUMBER

17 C 350

II

AFFIDAVIT OF SERVICE

State of Georgia
County of Whitfield

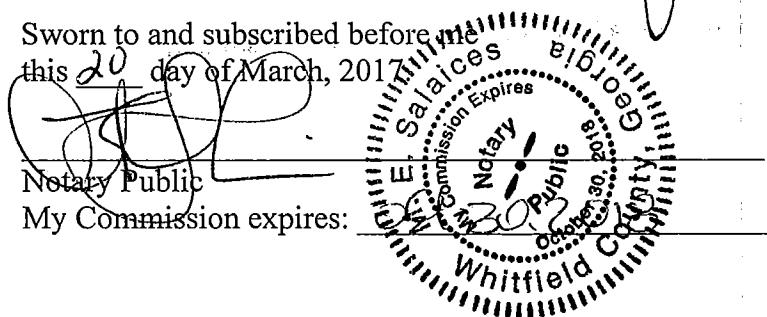
Personally appeared before the undersigned attesting officer, authorized to administer oaths, James A. Meaney, III, who, after being duly sworn, deposes and states as follows:

I am a resident of the State of Georgia, I am over eighteen (18) years of age, and I am licensed to practice law in the State of Tennessee.

I hereby certify that pursuant to the provisions of Rule 4 of the Tennessee Rules of Civil Procedure I did, on the 10th day of March, 2017, serve the named Defendant, New York Life Insurance Company, by mailing a copy of the Complaint and a certified copy of the Summons by Certified Mail – Return Receipt Requested, to its registered agent, CT Corporation System, 800 South Gay Street, Knoxville, Tennessee 37929-9710 and that this Affidavit constitutes a true return of service on the named Defendant. The original postal receipt (PS Form 3800) and the original signed domestic return receipt (PS Form 3811) are attached hereto as Exhibit "A."

Affiaht

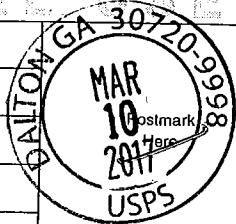
Sworn to and subscribed before me
this 20 day of March, 2017



U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL MAIL RECEIPT	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	



Sent To
 New York Life Ins % CT Corp
 Street, Apt. No.
 or PO Box No. 800 S Gay St Ste 202
 City, State, ZIP+4 Knoxville TN 37929

PS Form 3800, August 2006

See Reverse for Instructions

ENDER: COMPLETE THIS SECTION

Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

New York Life Insurance
 CT Corp System
 20 South Gay ST
 te 2021

Knoxville TN 37929-9710

Article Number

Transfer from service label)

Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Samantha Sutton Agent Addressee

B. Received by Printed Name

MAR 13 2017 C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

7012 1010 0003 1201 3918

Domestic Return Receipt

102595-02-M-1540

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

KIMBERLY (SUTPHIN) BLALOCK,

PLAINTIFF,

VS.

NEW YORK LIFE INSURANCE COMPANY,

DEFENDANT

FILED
HAMILTON COUNTY CLERK'S OFFICE
LARRY L. HENRY, CLERK
APR 10 AM 8:04
BY)
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DOCKET NUMBER

17C350

COMPLAINT

FACTS

Comes the plaintiff by her counsel and shows the following facts as the basis for the relief hereinafter requested.

Loyd Ray Sutphin, a resident of Henagar, Alabama, purchased a life insurance policy with a death benefit of \$320,000 from New York Life in 2011. His daughter was the named beneficiary. He married plaintiff in October, 2012. He changed beneficiaries on his life insurance on December 12, 2012 naming his daughter and his wife as joint beneficiaries.

Sutphin worked at Engineered Mechanical Systems in Chattanooga, Tennessee. He purchased his policy of insurance from the New York Life Agent, William Johnson, in Chattanooga. His life insurance premiums were deducted from his paycheck by his employer in Chattanooga.

Sutphin and plaintiff were divorced February 29, 2016. Six months later they reunited sans marriage. Sutphin then purchased an additional life insurance policy through his employer naming plaintiff as beneficiary.

Loyd Ray Sutphin departed this life in an ATV accident on December 22, 2016. New York Life Insurance Company has declined payment due to Alabama Law, i.e., Sec. 30-4-17 *Code of Alabama*.

Alabama Law does not apply. The place of the contract was Tennessee sold by a Tennessee representative of the defendant. The undisputed facts involved in this matter are as follows:

- a. The place of negotiating the contract – Tennessee

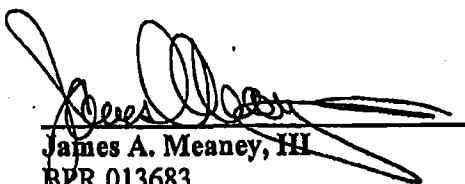
- b. The place of performance of the contract – Tennessee
- c. Business location of the parties – Tennessee
- d. Intent of the parties (New policy for wife) – Tennessee
- e. Domicile of the plaintiff – Alabama

There is nothing in this transaction involving Alabama other than the domicile of the parties. The more significant relationship to the transaction is with the State of Tennessee. Under Tennessee Law, *Tenn. Code Ann.* Sec 56-7-102 the plaintiff is entitled to recover under the policy.

COUNT ONE

1. On December 12, 2012, Policyholder Loyd R. Sutphin, Jr., added his wife, Kimberly Blalock Sutphin as a beneficiary with his daughter on New York Life Insurance Company policy number 39 648 864.
2. Sutphin had previously purchased the policy of insurance from New York Life Insurance Company through its local Chattanooga Agent, William Johnson. The policy had been solicited through Sutphin's employer Engineered Mechanical Systems, Inc. of Chattanooga, Tennessee. Premiums were deducted from his wages and paid directly to New York Life Insurance Company.
3. The policy holder, Loyd R. Sutphin was killed accidentally on December 22, 2016. Appropriate claim for policy benefits were made by the plaintiff and refused by defendant.
4. As beneficiary, plaintiff is entitled to the proceeds of the policy of insurance.

WHEREFORE, plaintiff claims of the defendant \$160,000.00, interest and costs.



James A. Meaney, III
BPR 013683
Attorney for Plaintiff

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Dalton, GA 30720-3108
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706-275-6076 Facsimile
jamp@perrottalaw.com